

## REMARKS

This Amendment is submitted in response to the non-final Office Action of December 29, 2008. Claims 1-2, 4-14, 16-26 and 28-42 are pending. Claims 1, 13, and 40-41 are amended and Claims 37-39 are canceled by this response. No new matter is added.

### I. Interview of March 12, 2009

Applicant thanks Examiner Liew for meeting with MacLane Key, Applicant's representative, on March 12, 2009. Examiner Liew agreed that after this response the present rejections would be withdrawn and that an updated search would be performed.

### II. Rejections Under 35 U.S.C. §101

The Office Action rejected Claims 1-2, 4-12, 37 and 40 under 35 U.S.C. §101 for being directed to non-statutory subject matter. As discussed in the interview of March 12, 2009, these claims are directed to statutory subject matter. For at least the above reasons, it is respectfully requested that these rejections be withdrawn.

### III. Rejections Under 35 U.S.C. §103(a)

The Office Action rejected Claims 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,549,650 ("Ishikawa") in view of U.S. Patent No. 7,015,951 ("Yoshigahara"). Applicant respectfully disagrees. However, Claims 37 and 38 are canceled. It is therefore respectfully submitted that these rejections are moot.

The Office Action rejected Claim 39 under 35 U.S.C. §103(a) as being unpatentable over Ishikawa in view of Yoshigahara in further view of Official Notice. Specifically, the Office Action states, "It is well known to video teleconference with any individual world wide. One skilled in the art would include step of using video conferencing device because save costs of traveling to the offices." Applicant respectfully disagrees and traverses this Official Notice.

Type of Response: AMENDMENT under 37 C.F.R. 1.111

Application Number: 10/763,453

Attorney Docket Number: 304561.02

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It is unclear whether the Official Notice is of the existence of video teleconferencing or of whether one skilled in the art would include using video teleconferencing for the stated reasons. Further, even if video teleconferencing could be considered presently well-known, it is not clear that video teleconferencing was well-known at the time the application was filed. As stated in M.P.E.P. § 2144.03, the above Official Notice "...should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." Applicant respectfully requests that the next Office Action include either documentary evidence supporting the taking of Official Notice or a withdrawal of the Official Notice.

However, Claim 39 is canceled. It is therefore respectfully submitted that this rejection is moot.

#### CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
Microsoft Corporation

Date: March 26, 2009\_\_\_\_\_

By: /MacLane C. Key/\_\_\_\_\_

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